

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GEORGE ABRAHAM, *et al.*,

Plaintiff,

vs.

TURNBERRY/MGM GRAND
TOWERS, LLC, a Nevada LLC, *et al.*,

Defendant,

2:11-cv-1007-JCM-RJJ

O R D E R

This matter came before the Court for a hearing on Plaintiffs' Motion for a Stay or, in the Alternative, for a Continuance to Present Evidence in Opposition to Defendants' Motion to Compel Arbitration (#24).

The Court has considered Plaintiffs' Motion (#24), Defendants' Response (#32), Plaintiffs' Reply (#37), as well as the oral arguments of counsel.

Plaintiffs seek a stay of this action and of any decision on the Motion to Compel Arbitration (#18) until another judge in this court rules on the Motion to Relate Cases and Transfer Second-Filed Case to First-Filed Case (#96) in *Sussex v. Turnberry*, 2:08-cv-773-MMD-PAL. Additionally, Plaintiffs propose a stay of this case pending a final decision in the *Sussex* case or until the Ninth Circuit Court of Appeals decides *Salameh v. Tarsadia Hotel*, No. 11-55479 (Hard Rock Hotel case).

Plaintiffs' Motion to Stay (#24) is denied. The Motion to Relate Cases and Transfer (#96) in *Sussex v. Turnberry*, 2:08-cv-773-MMD-PAL was denied. See, Order (#99) attached to

1 Request for Judicial Notice (#50) in this case. Further, the Court in *Sussex* ordered arbitration.
2 See, (#59) attached to Defendants' Motion to Compel Arbitration (#18 herein) as Exhibit A. The
3 Court finds no reason to stay this case pending the decision in an unrelated case in the Ninth
4 Circuit Court of Appeals.

5 Finally, Plaintiffs seek a continuance for discovery to establish procedural
6 unconscionability excusing arbitration. However, the defendants have submitted no evidence
7 suggesting a finding of procedural unconscionability is likely. The lengthy history of this and
8 related litigation has afforded ample opportunity to secure information to support plaintiffs'
9 claims. The Plaintiffs indicate in the Amended Complaint (#13) that they all "entered into
10 investment contracts" and that the contracts each included an arbitration provision. See,
11 Amended Complaint (#13) at paragraphs 7 and 27.

12 Based on the foregoing and good cause appearing therefore,

13 IT IS HEREBY ORDERED that Plaintiffs' Motion for a Stay or, in the Alternative, for a
14 Continuance to Present Evidence in Opposition to Defendants' Motion to Compel Arbitration
15 (#24) is DENIED.

16 DATED this 30th day of August, 2012.

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20 ROBERT J. JOHNSTON
21 United States Magistrate Judge
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